

the parties, on the 15th of November, 1839, upon grounds sufficiently appearing from the Chancellor's opinion, which also contains a statement of the facts.]

THE CHANCELLOR:

This case, which has been argued upon exceptions to the report of the Auditor, presents a very interesting question, and one which it is believed is entirely new in our courts.

The question is, whether a settlement of her real estate, made by a female infant, in contemplation of and upon the eve of her marriage, is so far valid, that in the event of her dying during her minority, the estate thereby conveyed shall descend in a manner different from the direction which the law of descents would give it in case of intestacy?

The facts are as follows: Augusta Virginia Levering, being about to intermarry with George B. Stephenson, and being at that time a minor about sixteen years of age, with the consent of her intended husband, who was a party to the deed, on the 11th of February, 1835, conveyed her entire estate, real and personal, to a trustee, to hold the same, and the profits thereof, in trust for her own separate use during the coverture, free from the control or claim of her husband or his creditors, and with power to sell and dispose thereof without his concurrence, either by deed or will; and in case of her failure to make such disposition, then, in trust for any child or children she might thereafter have, their heirs, executors, administrators or assigns: but in case she should die without leaving a child or children, or descendants of the same, living at the time of her death, then one-half of the estate so conveyed, for the use of her said husband and his heirs, and the other half for the use and benefit of her own right heirs.

The marriage took place, and Mrs. Stephenson, the grantor in the deed, died two years thereafter, under the age of nineteen, leaving an infant born of the marriage, who survived her mother only a few days.

The real estate has been sold under a decree of Baltimore County Court, and the question is, whether the surviving hus-